**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**
**AT HYDERABAD**

WEDNESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FIVE
: PRESENT :
**THE HON'BLE MR. JUSTICE : G. CHANDRAIAH.**

C.M.S.A.M.P. No. 43 of 2005
IN
C.M.S.A. No. 38 of 2005

**Between:**

Vijayawada Municipal Corporation, rep. by its
Commissioner, Vijayawada

Petitioner
(Appellant in C.M.S.A. No. 38 of 2005
on the file of the High Court)

**AND**

1. Jaleel Khan, S/o. Mohammad Khan, D.No. 12-5-11, Tarapet, Vijayawada - 1
2. Liyakath Khan, S/o. Mohammad Khan, D.No. 12-5-11, Tarapet, Vijayawada -1
3. Munvar Khan, S/o. Mohammad Khan, D.No. 12-5-11, Tarapet, Vijayawada -1
4. Sabbir Ahmed Khan, S/o. Mohammad Khan, D.No. 12-5-11, Tarapet, Vijayawada -1

Respondents
(Respondents in –do-)

Petition under Section 151 of CPC praying that in the circumstances stated in the grounds filed in support thereof the High Court may be pleased to suspend the order dated 13-7-2004 in C.M.A. No. 999 of 2002 on the file of IV Additional Senior Civil Judge, Vijayawada, pending C.M.S.A. No. 38 of 2005 preferred to the High Court against the decree and judgment of the Court of the IV Additional Senior Civil Judge, at Vijayawada, passed in C.M.A. No. 999 of 2002 dated 13-07-2004 against the order of the Commissioner, Vijayawada Municipal Corporation, Vijayawada, made in Complaint Petition No. 5006/C1/2001, dated 29-03-2002.

The petition coming on for hearing, upon perusing the petition and the grounds filed in support thereof and the order of the High Court dated 20-01-2005 and made herein and upon hearing the arguments of Mr. T.S. Venkataramana, Advocate for the Petitioner and of Mr. Sai Gangadhar Chamarthy, Advocate for the Respondents, the Court made the following

ORDER :

**" This Court while ordering notice, on 20-01-2005, grnated interim stay of the order and decree passed by the Court below for a period of eight weeks.**

**Subsequently, this Court in a batch of similar C.M.As, granted interim stay in respect of refund of property tax.**

**Accordingly, the order passed by this Court on 20-01-2005, is modified to that of stay of refund of property tax. "**

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The IV Additional Senior Civil Judge, at Vijayawada, Krishna District.
2. The Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District.
3. Jaleel Khan, S/o. Mohammad Khan, D.No. 12-5-11, Tarapet, Vijayawada - 1
4. Liyakath Khan, S/o. Mohammad Khan, D.No. 12-5-11, Tarapet, Vijayawada -1
5. Munvar Khan, S/o. Mohammad Khan, D.No. 12-5-11, Tarapet, Vijayawada -1
6. Sabbir Ahmed Khan, S/o. Mohammad Khan, D.No. 12-5-11, Tarapet, Vijayawada-1
7. One Spare Copy

USR

# HIGH COURT

**DATED : 21-09-2005**

**ORDER**

**C.M.S.A.M.P. No. 43 of 2005**

**IN**

**C.M.S.A. No. 38 of 2005**

**Modifyinng the Order.**

**USR**

**DRAFTED ON : 24-09-2005**

**GCJ**

**APPROVED ON :**

**DATED: 21-09-2005**

**ORDER**

**C.M.S.A.M.P. No. 43 of 2005**

**IN**

**C.M.S.A. No. 38 OF 2005**

**Modifying the Order**